

AUCTION DIGEST

Newsletter of the Virginia Auctioneers Board

Department of Professional
& Occupational Regulation

Volume 5 - Winter 2007/2008

BOARD INFORMATION

Board Members:

Mark T. Motley, Chair
Amy Pence, Vice-Chair *
William C. Bryant, III
G. Thomas "Tommy" Garten
E. Joanne Wang *

* *Public Members*

Board Staff:

Mark N. Courtney—
Executive Director

Marian H. Brooks—
Board Administrator

Michelle Gowen—
Administrative Assistant

Sheree Dean—
Office Manager

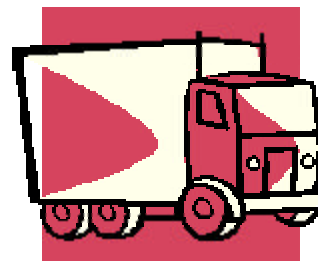
Licensing Specialists

Joan B. Leonard
Ramona Norris
Toni H. Spencer

Winter 2007 AUCTION DIGEST

We are pleased to bring you the fifth issue of
AUCTION DIGEST! ❖

DPOR has Moved!



Where: I-64 at Gaskins Road
The Perimeter Center
9960 Mayland Drive, Suite 400
Richmond, VA 23233-1463
When: August 2007

We now have several large meetings rooms with wireless service for Board meetings. We also have new fax numbers and a new mailing address, etc. Please visit our website at www.dpor.virginia.gov for more specific information and directions to our new location. ❖

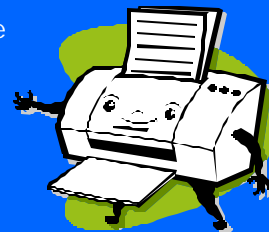
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New Fax Number for the Auctioneers Board!

If you have correspondence to send to the
Auctioneers Board via facsimile, send it
directly to :

(804) 527-4294



Update on Continuing Education Bill for Auctioneers



The General Assembly passed a law in 2004 (HB 1022 which created § 54.1-603.1 of the *Code of Virginia*) which required the Virginia Auctioneers Board to develop and implement a continuing education program. The law requires the completion of at least six hours of Board-approved continuing education courses for any individual license renewal or reinstatement.

Please note that § 54.1-603.1 of the *Code of Virginia* allows continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Institute (CAI), or participation in the educational programs sponsored by the National Auctioneer's Association (NAA) or Virginia Auctioneer's Association (VAA), to satisfy the continuing education requirement. The continuing education regulations contain provisions for course providers (other than CAI, NAA, or VAA) to apply for approval of their courses; it is up to the course provider to decide whether to apply for the required approval.

The complete requirements for continuing education can be found in the Board's regulations which are located on the web at:
http://www.dpor.virginia.gov/dporweb/auc_reg.pdf

Proof of completion of continuing education courses – whether from CAI, NAA, VAA, or other approved providers – must be retained by the individual completing the course, but will only need to be submitted to the Board if (1) an individual is selected for an audit, or (2) if an individual applies for license reinstatement.

The regulations became effective August 1, 2007. As outlined in subsection A of regulation 18

VAC 25-21-250, the continuing education requirements go into effect six months after the effective date of the regulations. Therefore, for those licenses which expire, and for those individuals who apply for reinstatement, on or after February 1, 2008, six hours of Board approved continuing education is required.

Continuing education courses will be acceptable if:

- The course was taken during the two years immediately prior to the expiration date of the license; and
- The course was from the CAI, NAA, or VAA, or (if the course was not taken from the CAI, NAA, or VAA) the course was approved by the Board prior to the date the course was taken.

VAA—888-878-0601 or <http://vaa.org>
 NAA/CAI —913-541-8084 or <http://auctioneers.org>

You may view the Board approved CE classes by visiting our website at:

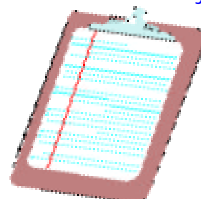
http://www.dpor.virginia.gov/dporweb/auc_continuing_ed.pdf

Thank you for your attention to this important matter. Please feel free to contact this office if you require any additional information or assistance.

The information contained herein is intended for informational purposes only and should not be relied on exclusively. Please refer to the regulations available on the Department website at

Examination Statistics

The following statistics are the Virginia candidates who sat for the Auctioneers examination between January 1, 2007, and October 31, 2007.



Candidates: 45
 Exams Passed: 38
 Percent Passed:
84 %



New Staff Member



The Department would like to welcome its newest staff member, Sheree Dean.

Sheree is the new office manager of the APELSCI DLA/ Auctioneers section of DPOR. ❖



In Memory of...

James Hartwell "Perk" Perkinson

J. Hartwell "Perk" Perkinson passed away on September 20, 2007, at the age of 66. Mr. Perkinson served as a member of the Board from 2002 to 2007, during which time he served as Vice-Chair from 2004 to 2005 and Chair from 2005 to 2007. He was an active member of his community and proud to have served on the Virginia Auctioneers Board. Mr. Perkinson also holds the record for the longest auction—26 hours.

Mr. Perkinson was the owner of Servor, Inc., as well as Virginia Office Equipment.

Mr. Perkinson began auctioneering at his children's school for the PTA and later turned auctioneering into his profession. Mr. Perkinson is survived by his wife, Kitty, his daughter, Sheri, his son Jay, his grandchildren and countless friends.

Mr. Perkinson's many contributions to the Board, the auctioneering profession, and the community will be long remembered. ❖



When renewal time approaches, be sure not to rely solely on your bonding company to send your bond information. If the company fails to send the needed information in time, you will be responsible for the penalty fee if your license isn't renewed before its expiration date. ❖

New Reciprocal State—Mississippi



At its Board meeting on July 12, 2007, the Auctioneers Board agreed unanimously to approve a reciprocal agreement with Mississippi. Here is a list of states we have reciprocal agreements with: Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.

Please contact the Board office with any questions regarding our reciprocity agreements. ❖

Notice of Intended Regulatory Action

At its meeting July 7, 2005, the Board authorized staff to file a Notice of Intended Regulatory Action for a general review of the Board Regulations.

The Board adopted proposed language in April of 2006 which was subject to a public comment period. Once the comment period ended, the Board adopted final regulations. After review of those regulations has been completed by the appropriate agencies, they will be published for 30 days and then become effective (estimated Spring or Summer of 2008).

Anyone can view recent regulatory action by the Board by visiting www.townhall.virginia.gov. ❖

Disciplinary Actions



The following is a summary of actions taken against regulants by the Virginia Auctioneers Board. Although every effort is made to ensure the information is correct, before making any specific decision based upon this information, you should check with the Board office to ensure complete accuracy.

FILE NUMBER 2007-00194, Calvin Zedd

This matter is on appeal in the Chesapeake Circuit Court and the sanctions have been stayed by the court.

VIOLATION—In October of 2005, Mr. Zedd conducted an auction for the sale of a condominium. With a successful bid, Mr. Zedd and his client entered into a contract with the bidder and accepted a \$25,000 deposit and a \$10,000 buyers premium. Once the buyer discovered certain disclosures had not been made regarding the subject property he canceled the contract. Mr. Zedd did not return the money to the buyer until November 2006. **BOARD ACTION**—Final Opinion and Order wherein the Board suspended Mr. Zedd's auctioneer license for a period of one (1) year and required a \$2,500 fine. **REGULATION VIOLATED**—(2002) 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—July 12, 2007

FILE NUMBER 2007-00056, Zedd Auctioneers, LTD

This matter is on appeal in the Chesapeake Circuit Court and the sanctions have been stayed by the court.

VIOLATION—In October of 2005, Zedd Auctioneers, LTD, held an auction for the sale of a condominium. With a successful bid, Zedd Auctioneers, LTD, and its client entered into a contract with the bidder and accepted a \$25,000 deposit and a \$10,000 buyers premium. Once the buyer discovered certain disclosures had not been made regarding the subject property he canceled the contract. Zedd

Auctioneers, LTD, did not return the money to the buyer until November 2006. **BOARD ACTION**—Final Opinion & Order suspending Zedd Auctioneers, LTD,

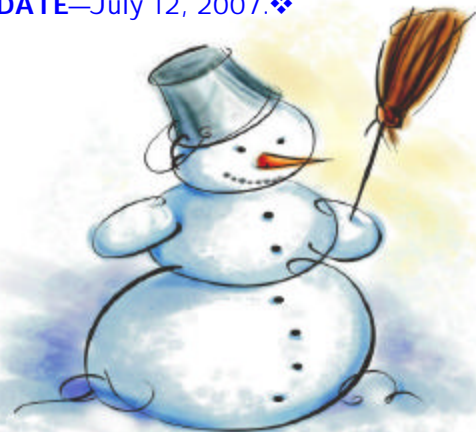
firm license for a period of three (3) years as well as a \$2,000 fine. **REGULATION VIOLATED**—(2002) 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—July 12, 2007

FILE NUMBER 2007-00470, James E. Carwile

VIOLATION—In September of 2004, Mr. Carwile held an auctioneer and sold personal property owned by his client. Mr. Carwile then sold the remaining item owned by his client in January of 2005. Mr. Carwile failed to enter into a contract with his client to set terms and conditions in which Mr. Carwile would receive the property for auction as well as the particulars for the disbursement of proceeds from the auction. **BOARD ACTION**—Consent Order imposing a \$750 fine as well as \$150.00 in Board costs. **REGULATION VIOLATED**—(2002) 18 VAC 25-21-110 **EFFECTIVE DATE**—July 12, 2007

FILE NUMBER 2007-01726, Dixon's Auction, Inc.

VIOLATION—In March of 2007, Mr. Dixon stated to a DPOR investigator that he misplaced a brass king sized head board and he believed that it was picked up by a thrift store mistakenly demonstrating a lack of reasonable care and judgment. **BOARD ACTION**—Consent Order imposing \$750 fine and \$150 in Board costs **REGULATIONS VIOLATED**—(2002) 18 VAC 25-21-110; 18 VAC 25-21-180.A.4 **EFFECTIVE DATE**—July 12, 2007.❖



CALENDAR OF EVENTS

| | | | |
|------------------|---------------------------|------------------|---------------------------|
| January 17, 2008 | Auctioneers Board Meeting | July 17, 2008 | Auctioneers Board Meeting |
| April 17, 2008 | Auctioneers Board Meeting | October 16, 2008 | Auctioneers Board Meeting |

Please note that meetings usually begin at 10:00 a.m. at the Department offices located at 9960 Mayland Drive, Suite 200, Richmond, VA.

AUCTIONEERS BOARD MEMBERS

| | |
|--|---|
| <u>Licensed Members</u> William C. Bryant, III G. Thomas "Tommy" Garten *Mark T. Motley | <u>Public Members</u> **Amy R. Pence E. Joanne Wang |
|--|---|

* Chair ** Vice-Chair

IMPORTANT TELEPHONE NUMBERS

| | | | |
|---------------------------|-------------------------|--------------------------|----------------|
| Licensing or Applications | (804) 367-8512 or -8506 | Examination Vendor (PSI) | (800) 733-9267 |
| Board Administration | (804) 367-8514 | Complaints | (804) 367-8504 |

IMPORTANT WEB SITE AND E-MAIL ADDRESSES

| | | | |
|----------------|---|--------------|--|
| Dept. Web Site | http://www.dpor.virginia.gov | Board E-mail | auctioneers@dpor.virginia.gov |
| PSI | www.psiexams.com | Town Hall | www.townhall.virginia.gov |

MOVING? PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

Name:

License Number:

Old Address:

New Address:

(P.O. Box must be accompanied by
your physical address)

Signature:

Date:

Mail to:

Auctioneers Board, Department of Professional & Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233